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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,011	03/06/2001	Christopher Clemmett Macleod Beck	P3318D1	9889

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CENTRAL COAST PATENT AGENCY
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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,011

Applicant(s)

BECK ET AL.

Examiner

Naresh Vig

Art Unit

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received on 01 April 2004 to the office action mailed on 03 December 2003. There are 2 claims, claims 19 – 20 pending for examination.

Response to Arguments

In response to applicant's argument that Chow fails to explicitly disclose applicant's invention because Chow teaches an alternative invention solving an alternative problem than that which is solved by applicant's invention, and therefore the goal and outcome, or result of the invention of Chow is also different, as well as the method and apparatus for achieving it, as will be detailed further below, and, the object-oriented programming tool of applicant's invention is provided as a generic programming module which represents and conducts a defined business process, and has the ability to obtain data from other modules, such as interaction object modules of an operating system, and utilizing that data in the execution of its intended goal. The module is editable in the sense that steps and sub-steps may be altered, added, deleted, and so on, along with names, allotted times, action parameters, etc. Due to the generic nature of the module, a programmer may select an existing module and edit it to

save as a new module, which may represent and conduct a completely different defined business process.

Chow teaches object-oriented programming tool which represents and conducts a defined business process (business process defined in tree structure, i.e. what task to perform next) [col. 7, lines 45 – 67], and has the ability to obtain data from other modules (old and known to one of ordinary skill in the art the variables are used to exchange data between modules), such as interaction object modules of an operating system (old and known to one of ordinary skill in the art to get computer clock time), and utilizing that data in the execution of its intended goal (old and known to one of ordinary skill in the art execution of programs can be scheduled to run at a late time e.g. scheduler available with windows operations system, execution of data upload or download as specified times, changing of date at midnight, adjusting for February 29 on leap years etc.). The module is editable in the sense that steps and sub-steps may be altered, added, deleted, and so on, along with names, allotted times, action parameters, etc. Due to the generic nature of the module, a programmer may select an existing module and edit it to save as a new module, which may represent and conduct a completely different defined business process [col. 8, lines 1 – 9].

In response to applicant's argument that the graphical interface of Chow does not comprise an input facility adapted for defining a task, definition including task identifier, or task description comprising activities performable automatically by the operating system, as taught in applicant's invention and specifically recited in applicant's claim 19.

However, Chow teaches an input facility adapted for defining a task (defining a tree of tasks to performed), definition including task identifier, or task description comprising activities performable automatically by the operating system [col. 7, lines 62 – 67].

In response to applicant's argument that Chow teaches enabling the programmer, through the GUI, to create and control the behavior of elements, such as sliders and buttons, of a GUI application, and associate the GUI elements to their parent functions.

However, Chow teaches that visual builder which builds object tree, facilitates setting the properties of the objects, facilitates specifying the action to be performed when certain events occur (i.e. in a specifying which business process to be performed when an event occurs, e.g. in the case of payroll, payment of overtime wages to an hourly employee when the hours worked is more than the normal hours to be worked in a pay period) [col. 8, lines 10 – 17].

In response to applicant's argument that Chow is not capable of constructing the IPM of applicant's claims. The invention of Chow teaches building target and proxy object trees and editing various properties of proxy objects of the proxy object tree, each proxy object associated to a corresponding target object.

However, Chow teaches visual builder which builds object tree, facilitates setting the properties of the objects, facilitates specifying the action to be performed when

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certain events occur (i.e. in a specifying which business process to be performed when an event occurs, e.g. in the case of payroll, payment of overtime wages to an hourly employee when the hours worked is more than the normal hours to be worked in a pay period) [col. 8, lines 10 – 17]. Therefore, Chow teachings can be used for constructing Interactive Processing Modules.

In response to applicant's argument that in applicant's invention task objects may be loaded into the IPM through the definable input interface, as required by the programmer in order to set up the main and sub-tasks inherent to the process. For example, the IPM may contain certain objects or modules adapted for accessing certain data from other modules in the OS, while others inserted in the IPM may be adapted for accessing certain other databases or resources, or for performing other certain functions related to the process. The IPM of applicant's claims is capable of executing and performing an entire business process from start to end according to CINOS constraints, time constraints and enterprise rules, and may be used as a functional model for the business process that it represents.

However, Chow teaches object oriented programming with tree like structures which teaches the relationships between plurality of objects, based on the action to be taken, choice of business path may be executed [Fig. 5].

Priority

The applicant is claiming the priority date to 11 September 1998. However the disclosure filed on 11 September 1998 does not support the claimed elements of this application. For the purpose of the prosecution of this application, the priority date of will the date of filing of this application which is 06 March 2001.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being unpatentable by Chow et al. US Patent 5,642,511.

Regarding claim 19, chow discloses an object-oriented programming tool enabled for constructing an Interactive Process Module (IPM) [Fig. 5] adapted for interaction with modules of an operating system (OS) for accessing and providing data. Chow discloses

a graphical interface comprising an input facility adapted for defining a task, definition including a task identifier, a task description comprising activities performable

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automatically by the operating system, and prerequisite relationship to any other tasks

[col. 3, lines 19 – 46, Fig. 5];

a set of one or more inputs definable by the programmer [Fig. 4, Fig. 5, col. 9, line 59 – col. 10, line 9, col. 10, lines 60 – 64];

one or more outputs [col. 9, lines 33 – 42, col. 14, lines 25 – 32];

wherein, a plurality of code sets operate in the IPM, each adapted to completion of a specific task in the overall process [col. 9, lines 59 - 63], and entry of tasks with parameters by a programmer sequentially builds a process comprising multiple tasks to be performed in a requisite order dictated by the prerequisite relationship [Fig. 4, Fig. 5, claim 1] and when complete, the IPM represents and conducts the process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. US Patent 5,642,511 in view of Cain et al. US Patent 6,014,138

Regarding claim 20, Regarding claim 20, Chow does not disclose the results of the program to be Gant chart. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a business choice to select what the output results are required from a program. Applicant discloses in Fig. 10 of the application that Gant Chart is an output in table format. Cain discloses output in the table format [Fig. 3C]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to present results in table format to present the results in the format familiar to the user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

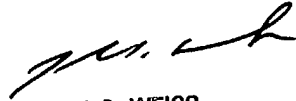
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig
July 07, 2004


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600